



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Patent Cooperation Treaty
Legal Office

Address: Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231

MAY 2 2000

Thomas C. Pontani
COHEN, PONTANI, LIEBERMAN & PAVANE
551 Fifth Avenue
New York, NY 10176

In re Application of
NIELS WENDLAND
U.S. Application No.: 09/269,771
U.S. Filing Date: 05 SEP 1997
Priority Date: 01 OCT 1996
For: GLASS FIBER FABRIC WALLPAPER

DECISION

This application is before the PCT Legal Department for consideration of issues arising under the PCT.

On 31 MAR 1999, applicant filed U.S. national stage application papers, which were accorded U.S. application no. 09/269,771, which is the national stage of international application PCT/EP97/04817 filed 05 SEP 1997.

On 17 MAY 1999, applicant submitted an executed declaration and power of attorney, check for \$65 surcharge for filing the declaration after 30 months from the priority date and a verified statement claiming small entity status.

On 20 OCT 1999, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) indicating that an oath or declaration and \$65 surcharge were required for acceptance of the application under 35 U.S.C. 371.

On 08 NOV 1999, applicant responded to the Notification (Form PCT/DO/EO/905) via facsimile indicating that the declaration, small entity statement and \$65 surcharge were submitted

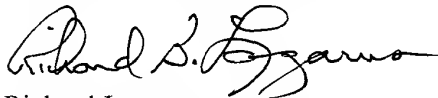
on 17 MAY 1999. A copy of the return postcard was included.

DISCUSSION

It is clear from the facts noted above that applicant submitted the declaration and surcharge on 17 MAY 1999 and that the Notification (Form PCT/DO/EO/905) was sent in error. Accordingly, the "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" mailed 20 OCT 1999 is hereby **VACATED**.

CONCLUSION

This application is being returned to the DO/EO/US for further national stage processing in accordance with this decision.



Richard Lazarus
Supervisory PCT Legal Examiner
PCT Legal Office

JSF/RL:jf



Jeremy Fleming
Paralegal Specialist
PCT Legal Office

(703)308-6154